

## Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-16 IO-14 ISO-00 SCI-06 FRB-03 OMB-01

TAR-02 SP-03 SWF-02 AGR-20 AID-20 CIAE-00 COME-00

INR-11 LAB-06 NSAE-00 OIC-04 RSC-01 SIL-01 STR-08

TRSE-00 CIEP-03 CEA-02 L-03 NSF-04 /142 R

DRAFTED BY EB/CBA/BP:EJRANKIN/HJWINTER:SC

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EB/TT:WALDMANN

EB/OT/GCP:WILLIAMS

SCI:PACKER

PAT OFFICE:HARTMAN

ARA/ECP:OLSEN

S/P:LEINAUDI

PPC/IA:SCHUWEILER (INFORMED)

ARA -BOWDLER

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O R 211415Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA IMMEDIATE

INFO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: PFOR, TGEN, MFM, EIND, UNCTAD, BR

SUBJECT: WORKING GROUP ON SCIENCE AND TRANSFER OF  
TECHNOLOGY

REF: STATE 182086, BRASILIA 6229, BRASILIA 6090

1. FOLLOWING ADDITIONAL INFORMATION ON UNCTAD DELIBERATIONS  
ON CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY FURNISHED  
FOR YOUR BACKGROUND INFORMATION:

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A. IN UNCTAD WE HAVE HAD TO WORK CLOSELY WITH OTHER

DEVELOPED COUNTRIES IN ATTEMPTING TO MAINTAIN A COMMON POSITION ON THIS DIFFICULT SUBJECT OF TRANSFER OF TECHNOLOGY. MANY OTHER DEVELOPED COUNTRIES (E.G., UK, FRG, FRANCE, ITALY, JAPAN, SWITZERLAND) WERE AS CONCERNED AS THE US ABOUT PRECIPITOUS ACTION WHICH COULD ADVERSELY AFFECT THEIR VALUABLE INDUSTRIAL PROPERTY RIGHTS WHICH, FOR THE MOST PART, ARE PRIVATELY OWNED. FURTHER, THE BRAZILIAN DELEGATE AT THE UNCTAD MEETING IN CORRIDOR CONVERSATION WITH USDEL EXPRESSED CONCERN ABOUT MOVING AHEAD ON A CODE ONLY ON A REGIONAL INTERAMERICAN BASIS. THE COMMON CONCERN AMONG DEVELOPED COUNTRIES NECESSITATED TAKING A POSITION WHICH UNDOUBTEDLY HAS BEEN INTERPRETED BY SOME LATIN AMERICANS IN ATTENDANCE AT THE UNCTAD IGG MEETING AS BEING LESS FORTHCOMING THAN THE US WAS AT THE JUNE BRASILIA MEETING.

B. AS YOU KNOW, RE THE CODE OF CONDUCT OUR PRIMARY OBJECTIVE REMAINS THAT THE CODE BE A VOLUNTARY ONE AND NOT REPEAT NOT LEGALLY BINDING. AS A PRACTICAL AND LEGAL MATTER, WE SEE GREAT DIFFICULTY IN ENFORCING MULTI-LATERALLY A CODE OF CONDUCT WITH REGARD TO PRIVATELY-OWNED TECHNOLOGY. AS INDICATED IN THE BACKGROUND PAPER ON "CODE OF CONDUCT" FOR SUB-GROUP III FOR THE CURRENT MEETING AND IN OTHER BACKGROUND DOCUMENTS, OUR POLICY HAS BEEN ONE OF ENCOURAGING THE DEVELOPMENT OF REASONABLE NATIONAL ANTITRUST LAWS AS A PRACTICABLE MEANS OF OVERCOMING OR CONTROLLING THOSE CONTRACTUAL TERMS IN TECHNOLOGY TRANSFER WHICH GOVERNMENTS FIND OBJECTIONABLE (I.E. RESTRICTIVE BUSINESS PRACTICES). FOR EXAMPLE, THE USG DEALS WITH RESTRICTIVE PRACTICES INVOLVING PATENT LICENSING AND KNOW-HOW AGREEMENTS UNDER FEDERAL ANTITRUST LAWS.

2. THE REFERENCED CABLES ARE BEING REPEATED TO GENEVA.  
INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Draft Date:** 21 AUG 1974  
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**Disposition Case Number:** n/a  
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**Disposition Date:** 28 MAY 2004  
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